IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.1708 OF 2004

In

APPEAL NO.24 OF 2004

In

NOTICE NO.824 OF 2002

In

EXECUTION APPLICATION NO.5 OF 1994

In

SUIT NO.1538 OF 1983

Herbert Joseph Pereira & Ors. : Appellants

(Orig.Defendants)

V/s.

Omprakash Navani & Anr. : Respondents

(Orig. Plaintiffs)

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Mr.P.K.Samdani with Mr.Vishal Shriyan i/b. M/s.Udwadia Udeshi & Berjis for the appellants.

Mr.J.J.Bhat with Ms Armin Wandrewala i/b. Mr.Akshay Vani for the respondents.

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CORAM : R.M.LODHA & S.A.BOBDE,JJ.

DATE : SEPTEMBER 11, 2006.

P.C.

1. It is admitted by Mr.P.K.Samdani, senior counsel for the appellants-applicants that prayer for appointment of Receiver was made in Chamber Summons No.1479 of 2002, but it was not pressed before the learned Chamber Judge. In this view of the matter and in view of the order that we have passed today in Notice of Motion No.540 of 2004, we are satisfied that there is no justification to appoint Court Receiver in respect of the subject property.

2. Notice of Motion stands disposed of.

R.M. LODHA, J.

S.A. BOBDE, J.